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# Congress of the United States

## U.S. House of Representatives

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MINORITY CHIEF COUNSEL

March 5, 2015

The Honorable John Koskinen  
Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, DC 20224

Dear Commissioner Koskinen,

Thank you for your testimony to the Ways and Means Subcommittee on Oversight on February 11, 2015, regarding the Internal Revenue Service's use of civil asset forfeiture laws. To help the Subcommittee better understand how the IRS is implementing its new policy to "no longer pursue the seizure and forfeiture of funds associated solely with 'legal source' structuring cases," barring exceptional circumstances,<sup>1</sup> please answer the following questions by March 19, 2015:

1. In the case *United States v. \$107,702.66 in U.S. Currency*, No. 7:14-CV-295 (E.D.N.C., filed Dec. 24, 2014), in which the IRS seized funds from Lyndon Bruce McLellan, Darlene Hunt, Mary Bruce Floyd, and L&M Convenience Mart, Inc., the affidavit in support of the seizure did not cite any evidence that the funds came from an illegal source. *See* Affidavit, attached. Did the IRS apply its new policy before seizing the funds?
2. Are there other cases in which the IRS has seized legal-source funds on suspicion of structuring on or after October 25, 2014? How many? What was the reason for any such seizures?
3. Going forward, in light of the new policy, can we expect that affidavits filed in support of applications for seizure warrants will include evidence of illegal source? If not, how can we be assured that the IRS is enforcing the new policy?

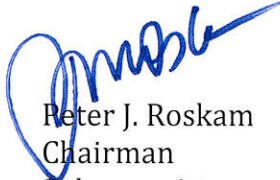
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<sup>1</sup> *Statement of Richard Weber, Chief of I.R.S. Criminal Investigation*, N.Y. TIMES, Oct. 25, 2014.

Additionally, please provide copies of any trainings, communications, or memoranda distributed to IRS personnel explaining how the new policy should be implemented by March 19, 2015.

Thank you for your assistance in this matter. If you have any questions, please contact Oversight Subcommittee staff at 202-225-5522.

Sincerely,



Peter J. Roskam  
Chairman  
Subcommittee on Oversight

cc: Rep. John Lewis  
Attachment

**Attachment**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO. 7:14-CV-295

UNITED STATES OF AMERICA, :  
 :  
Plaintiff, :  
 :  
vs. : **COMPLAINT FOR FORFEITURE**  
 : **IN REM**  
\$107,702.66 IN UNITED STATES :  
CURRENCY SEIZED FROM LUMBEE :  
GUARANTY BANK ACCOUNT NUMBER :  
82002495, :  
 :  
Defendant. :

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, states as follows:

1. This is a civil action in rem brought to enforce the provisions of 31 U.S.C. § 5317, providing for the forfeiture of any property involved in violations of 31 U.S.C. § 5324, and any property traceable to such violation or conspiracy.
2. This Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue in this district is proper by virtue of 28 U.S.C. §1395.
3. The defendant is \$107,702.66 in United States currency seized from Lumbee Guaranty Bank Account Number 82002495.
4. The defendant is located within the jurisdiction of this Court, it being in the Eastern District of North Carolina. It is presently in the custody of the Internal Revenue Service in Raleigh, North Carolina.

5. The potential claimants in this action are: Lyndon Bruce McLellan, L&M Convenience Mart, Inc., Darlene Hunt and Mary Bruce Floyd.

6. The facts and circumstances supporting the seizure and forfeiture of the defendant are contained in the previously filed application in support of seizure warrant made by Task Force Officer Andrew Pappas, Internal Revenue Service-Criminal Investigation (IRS-CI), which resulted in the issuance of a seizure warrant by Magistrate Judge Robert B. Jones, Jr. as to the subject bank account and is currently filed under seal at the U. S. District Court for the Eastern District of North Carolina, Court No. 7:14-MJ-1120. Such facts constitute probable cause for the forfeiture of the defendant property.

7. The defendant is forfeitable to the United States pursuant to the provisions of 31 U.S.C. § 5317.

WHEREFORE, the United States of America prays that a warrant of arrest in rem issue for the arrest of the defendant; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted this 23rd day of December, 2014.

THOMAS G. WALKER  
United States Attorney

BY: /s/ Stephen A. West  
STEPHEN A. WEST  
Assistant United States Attorney  
Attorney for Plaintiff  
Civil Division  
310 New Bern Avenue, Suite 800  
Federal Building  
Raleigh, NC 27601-1461  
Telephone: (919) 856-4530  
Facsimile: (919) 856-4821  
E-mail: steve.west@usdoj.gov  
NC State Bar No. 12586

VERIFICATION

I, Stephen A. West, Assistant United States Attorney for the Eastern District of North Carolina, declare under penalty of perjury, as provided by 28 U.S.C. Section 1746, the following:

That the foregoing Complaint for Forfeiture is based on reports and information furnished to me by Task Force Officer Andrew Pappas of the Internal Revenue Service-Criminal Investigation (IRS-CI), and to the best of my information and belief, is true and correct.

This the 23rd day of December, 2014.

/s/ Stephen A. West  
STEPHEN A. WEST  
Assistant United States Attorney  
Civil Division

SEALED

FILED

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

JUL 29 2014

JULIA A. RICHARDS, CLERK  
US DISTRICT COURT, EDC  
BY lll DFR/CLK

In the Matter of the Seizure of  
(Briefly describe the property to be seized)  
Funds in Lumbee Guaranty Bank account number  
82002495 up to \$463,289

Case No. 7:14-MJ- 1120- RJ

APPLICATION FOR A WARRANT  
TO SEIZE PROPERTY SUBJECT TO FORFEITURE

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the Eastern District of North Carolina is subject to forfeiture to the United States of America under 31 U.S.C. § 5317 (describe the property):  
Funds in Lumbee Guaranty Bank account number 82002495 up to \$463,289

The application is based on these facts:

☒ Continued on the attached sheet.

Andrew Pappas  
Applicant's signature

Andrew Pappas, Task Force Officer, IRS-CI  
Printed name and title

Sworn to before me and signed in my presence.

Date: July 29, 2014

Robert B. Jones, Jr.  
Judge's signature

City and state: Wilmington, North Carolina

Robert B. Jones, Jr., United States Magistrate Judge  
Printed name and title

1. I, Andrew Pappas, a Special Agent with the North Carolina State Bureau of Investigation ("NCSBI"), and Federal Task Force Officer with the United States Treasury Department, Internal Revenue Service, Criminal Investigation ("IRS-CI"), being duly sworn, depose and state the following:
2. I have been a Special Agent with NCSBI for more than ten (10) years. I am currently detailed as a Federal Task Force Officer with IRS-CI. In connection with both positions, I have received training in the investigation of financial crimes. I am currently assigned to the Financial Crime Investigations Unit of the State Bureau of Investigation. I have been a licensed North Carolina Certified Public Accountant since October 2007.
3. Since becoming a Task Force Officer with IRS-CI and as a Special Agent with the State Bureau of Investigation, I have been involved in numerous federal cases involving the investigation of money laundering and Bank Secrecy Act violations.
4. This affidavit is made in support of an application for a seizure warrant for any and all funds contained in Lumbee Guaranty Bank account number 82002495 held in the name of L&M CONVENIENT MART, INC., a convenience store operating in Robeson County, NC. The facts and information in this affidavit are based upon my personal knowledge as well as the observations of other law enforcement agents and others involved in this investigation. The affidavit contains information necessary to support this application. It is not intended to include each and every fact and matter observed by me or known to the Government.
5. Investigative activity to date revealed that Lyndon McLellan is the President of L&M CONVENIENT MART, INC., which is located at 1309 Lakeview Road in Fairmont, North Carolina.
6. Title 31 U.S.C. Section 5324 and its related regulations states that when a domestic financial institution is involved in a transaction for the payment, receipt, or transfer of U.S. Coins or currency (e.g. "Cash" in an amount greater than \$10,000), the institution shall file a Currency Transaction Report ("CTR") for each cash transaction, such as, by way of example, a deposit, withdrawal, exchange of currency or other payment or transfer by, through or to a financial institution. CTRs are filed with the Financial Crimes Enforcement Network on forms that require, among other things, the identity of the individual who conducted the transaction and the individual or organization for whom the transaction was

completed. These regulations also require that multiple transactions be treated as a single transaction if the financial institution has knowledge that they are by, or on behalf of, the same person, and they result in currency either received or disbursed by the financial institution totaling more than \$10,000 during any one business day. CTRs are often used by law enforcement to uncover a wide variety of specified unlawful activities including gambling, subsidy fraud, narcotics trafficking, and additionally, the laundering of proceeds from said crimes. Many individuals involved in these illegal activities are aware of such reporting requirements and take active steps to cause financial institutions to fail to file CTRs. These active steps are often referred to as "structuring" and involve making multiple cash deposits or withdrawals, in amounts less than or equal to \$10,000. Structuring is prohibited by Title 31 U.S.C. Section 5324(a)(3) and involves activity not only involving proceeds of illegal activities, but also legal source income. The law is clear in that "structuring" in and of itself is a Felony violation.

7. Pursuant to Title 31 U.S.C. Section 5324, it is a crime for an individual to (1) "cause or attempt to cause a domestic financial institution to fail to file a report required under Section 5313(a)", (2) "cause or attempt to cause a domestic financial institution to file a report required under section 5313(a) that contains a material omission or misstatement of fact", (3) "structure or assist in structuring, any transaction with one or more domestic financial institutions" for the purpose of evading the reporting requirements of Title 31 U.S.C. 5313(a).
8. I have obtained and reviewed bank records for L&M CONVENIENT MART, INC. Lumbee Guaranty Bank account number 82002495. An analysis of these bank records revealed cash deposit transactions, between January 4, 2011 and April 24, 2014, totaling more than \$2,000,000. All but one of the aforementioned cash deposits were in cash increments below \$10,000. In all, I have identified a total of three hundred one (301) individual deposit transactions made on or near consecutive days involving cash increments of less than \$10,000. During the aforementioned period, 2011 through 2013, one hundred sixteen (116) individual cash deposit transactions ranging in amounts from \$9,077 to \$9,999 were analyzed and reviewed as part of the structuring investigation. A sample of the identified structured cash deposit transactions for L&M CONVENIENT MART, INC. account number 82002495 are as follows:

Date	Cash Deposit	Time	Account
Wednesday, December 5, 2012	\$9,999	2:16 p.m.	82002495
Thursday, December 6, 2012	\$5,561	11:52 a.m.	82002495
Thursday, May 23, 2013	\$9,950	2:27 p.m.	82002495
Friday, May 24, 2013	\$4,725	3:57 p.m.	82002495
Thursday, June 6, 2013	\$9,971	4:55 p.m.	82002495
Friday, June 7, 2013	\$9,308	3:11 p.m.	82002495
Thursday, June 27, 2013	\$9,333	5:05 p.m.	82002495
Friday, June 28, 2013	\$6,066	3:36 p.m.	82002495
Thursday, July 18, 2013	\$9,560	3:47 p.m.	82002495
Friday, July 19, 2013	\$8,634	4:13 p.m.	82002495
Friday, August 2, 2013	\$6,410	3:54 p.m.	82002495
Monday, August 5, 2013	\$9,343	3:19 p.m.	82002495
Friday, August 9, 2013	\$9,107	2:44 p.m.	82002495
Friday, August 16, 2013	\$9,574	4:44 p.m.	82002495
Thursday, August 22, 2013	\$8,039	3:24 p.m.	82002495
Friday, August 23, 2013	\$3,856	2:54 p.m.	82002495
Friday, August 30, 2013	\$6,030	3:24 p.m.	82002495
Thursday, September 5, 2013	\$7,938	2:20 p.m.	82002495
Wednesday, September 11, 2013	\$5,552	3:01 p.m.	82002495
Friday, September 13, 2013	\$4,841	3:54 p.m.	82002495
Wednesday, September 18, 2013	\$6,143	3:19 p.m.	82002495
Friday, September 20, 2013	\$2,597	2:35 p.m.	82002495
Wednesday, September 25, 2013	\$8,434	2:58 p.m.	82002495
Friday, September 27, 2013	\$952	3:01 p.m.	82002495
Thursday, October 3, 2013	\$5,375	2:03 p.m.	82002495
Friday, October 4, 2013	\$4,880	3:42 p.m.	82002495
Friday, October 11, 2013	\$6,425	4:30 p.m.	82002495
Wednesday, October 16, 2013	\$7,533	4:30 p.m.	82002495
Tuesday, October 22, 2013	\$9,909	3:10 p.m.	82002495
Friday, October 25, 2013	\$9,993	4:00 p.m.	82002495
Friday, November 1, 2013	\$9,988	3:54 p.m.	82002495
Wednesday, November 6, 2013	\$9,913	11:45 a.m.	82002495
Friday, November 8, 2013	\$8,917	4:31 p.m.	82002495
Thursday, November 14, 2013	\$5,002	4:05 p.m.	82002495
Friday, November 15, 2013	\$7,412	3:08 p.m.	82002495
Friday, November 22, 2013	\$4,444	2:55 p.m.	82002495
Wednesday, November 27, 2013	\$7,079	4:30 p.m.	82002495
			(continued)

Date	Cash Deposit	Time	Account
Thursday, December 5, 2013	\$9,565	3:10 p.m.	82002495
Friday, December 6, 2013	\$6,906	4:28 p.m.	82002495
Wednesday, December 11, 2013	\$9,080	3:40 p.m.	82002495
Friday, December 13, 2013	\$2,900	3:01 p.m.	82002495
Wednesday, December 18, 2013	\$9,277	2:01 p.m.	82002495
Friday, December 20, 2013	\$4,491	3:49 p.m.	82002495
Tuesday, December 24, 2013	\$7,417	1:45 p.m.	82002495
Friday, December 27, 2013	\$7,164	2:14 p.m.	82002495
Thursday, January 2, 2014	\$9,993	4:09 p.m.	82002495
Friday, January 3, 2014	\$3,888	4:25 p.m.	82002495
Friday, January 10, 2014	\$7,808	5:31 p.m.	82002495
Wednesday, January 15, 2014	\$9,840	1:54 p.m.	82002495
Friday, January 17, 2014	\$8,430	5:14 p.m.	82002495
Wednesday, January 22, 2014	\$9,920	2:43 p.m.	82002495
Friday, January 24, 2014	\$3,260	2:54 p.m.	82002495
Thursday, January 30, 2014	\$9,523	3:13 p.m.	82002495
Friday, January 31, 2014	\$1,145	3:12 p.m.	82002495
Monday, February 10, 2014	\$3,615	4:52 p.m.	82002495
Friday, February 14, 2014	\$9,726	4:19 p.m.	82002495
Friday, February 21, 2014	\$9,975	4:45 p.m.	82002495
Thursday, February 27, 2014	\$9,910	3:49 p.m.	82002495
Friday, February 28, 2014	\$9,904	3:14 p.m.	82002495
Thursday, March 6, 2014	\$9,988	4:13 p.m.	82002495
Friday, March 7, 2014	\$9,126	4:42 p.m.	82002495
Thursday, March 13, 2014	\$7,518	3:02 p.m.	82002495
Friday, March 14, 2014	\$8,482	3:56 p.m.	82002495
Friday, March 21, 2014	\$7,955	4:36 p.m.	82002495
Friday, March 28, 2014	\$9,978	5:31 p.m.	82002495
Tuesday, April 1, 2014	\$9,941	4:25 p.m.	82002495
Friday, April 4, 2014	\$9,930	4:58 p.m.	82002495
Wednesday, April 9, 2014	\$9,498	2:50 p.m.	82002495
Friday, April 11, 2014	\$9,990	5:13 p.m.	82002495
Thursday, April 17, 2014	\$4,564	4:39 p.m.	82002495
Friday, April 18, 2014	\$6,914	2:47 p.m.	82002495
Thursday, April 24, 2014	\$9,982	4:31 p.m.	82002495

9. Furthermore, I have spoken with a representative of Lumbee Guaranty Bank who confirmed the existence of account number 82002495 and that the account is in fact maintained in the name of L&M CONVENIENT MART, INC. by authorized signors LYNDON MCLELLAN, President; Mary Floyd, Vice-President; and Darlene Hunt, Secretary.

10. Additionally, I have spoken with Special Agent Charles Butler of the United States Department of Agriculture – Office of Inspector General, regarding his contact with LYNDON MCLELLAN on November 7, 2008. SA Butler interviewed LYNDON MCLELLAN on that date regarding allegations of structured cash withdrawals made from McLellan Grocery, a grocery store owned by LYNDON MCLELLAN that operates in Orrum, North Carolina.
11. Pursuant to that interview, LYNDON MCLELLAN informed SA Butler of his knowledge that any transaction over \$10,000 was reported. Furthermore, LYNDON MCLELLAN signed a Notification of Law on November 7, 2008, indicating he understood the Federal laws pertaining to structuring. The Notification of Law warned LYNDON MCLELLAN that continued violation of the laws could result in prosecution and/or seizure and forfeiture of all property involved in, or traceable to, such violation.
12. Pursuant to the structuring violations committed, as set forth above, it is submitted that L&M CONVENIENT MART, INC. financial accounts, including but not limited to the following are subject to forfeiture pursuant to Title 31 U.S.C. Section 5317 and Title 18 U.S.C. Sections 981 and 984.

**Financial Accounts Subject to Seizure**

Including but not limited to:

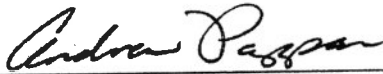
- Lumbee Guaranty Bank account number 82002495  
*Held in the name of L&M Convenient Mart, Inc.*

13. Title 31 U.S.C. Section 5317 provides for the forfeiture of any property involved in a violation of Title 31 U.S.C. Section 5324, or any conspiracy to commit such violation, and any property traceable to any such violation or conspiracy. Further, Title 18 U.S.C. Section 984 provides that the United States may seek the forfeiture of any funds found within an account at a financial institution that received the forfeitable funds in the preceding year, up to the total amount sought for forfeiture, regardless of whether said funds can be traced back to the specific offense. The structured funds forfeitable pursuant to Title 31 U.S.C. Section 5317 and Title 18 U.S.C. Sections 981 and 984 totals \$463,289 from Lumbee Guaranty Bank account number 82002495 for the period of August 2, 2013 through April 24, 2014.
14. In accordance with Title 18 U.S.C. Section 984(a)(1), in a forfeiture in rem the Government need not identify the specific property involved in the offense and it is not to be a defense that the property is removed and replaced by identical

property. Pursuant to Title 18 U.S.C. § 984(a)(2), "any identical property found in the same place or account as the property involved in the offense" is subject to forfeiture.

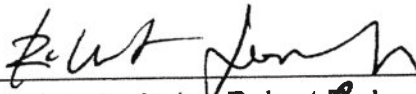
15. Lumbee Guaranty Bank is a domestic financial institution as defined by Title 31 U.S.C. Section 5312 with its headquarters in Pembroke, North Carolina. Lumbee Guaranty Bank is insured by the Federal Deposit Insurance Corporation ("FDIC"). Lumbee Guaranty Bank in Pembroke, NC is located in the Eastern District of North Carolina.
16. Based on the facts set forth in this affidavit, it is submitted that there is probable cause to believe that a representative of L&M CONVENIENT MART, INC. repeatedly structured cash transactions exceeding \$2,000,000 into increments less \$10,000 in order to evade the reporting requirements of Title 31 U.S.C. 5313(a) and the related Code of Federal Regulations, all in violation of Title 31 U.S.C. Section 5324.
17. Any and all funds contained within Lumbee Guaranty Bank account number 82002495 held in the name of L&M CONVENIENT MART, INC. are, therefore, forfeitable pursuant to Title 31 U.S.C. Section 5317 and Title 18 U.S.C. Sections 981 and 984, which provide for the forfeiture of any property involved in a violation of Title 31 U.S.C. Section 5324, or any conspiracy to commit any such violation of Title 31 U.S.C. Section 5324, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy.

I declare under penalty of perjury that the foregoing is true and correct.  
Respectfully submitted this 29 day of July 2014.



Andrew Pappas, Special Agent  
North Carolina State Bureau of Investigation (NCSBI)  
U. S. Treasury Department (IRS-CI) – Task Force  
Officer

Sworn to and subscribed by me this 29 day of July, 2014



U.S. Magistrate Judge Robert **B** Jones, Jr.  
Eastern Judicial District of North Carolina

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

SEALED

NO. 7:14-MJ-1120 RJ

FILED

JUL 29 2014

IN RE: SEIZURE WARRANT FOR :  
Funds in Lumbee Guaranty Bank :  
Account Number 82002495 up :  
to \$463,289 :

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDC  
BY: [Signature] DEPUTY CLERK

ORDER SEALING APPLICATION AND AFFIDAVIT FOR  
SEIZURE WARRANT

Upon motion of the United States, for good cause shown, and for the reasons and facts stated in the motion to seal it is hereby ORDERED that the above-referenced Application and Affidavit for Seizure Warrant, and all attachments, the Motion to Seal, and this Order filed therewith, be sealed by the Clerk except that certified copies be provided to the Office of the United States Attorney and/or the U. S. Treasury Department, Internal Revenue Service - Criminal Investigation upon request.

This the 29 day of July, 2014.

[Signature]  
ROBERT B. JONES, JR.  
United States Magistrate Judge

*Cpy to Agent*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO. 7:14-MJ-

IN RE: SEIZURE WARRANT FOR :  
: Funds in Lumbee Guaranty Bank :  
Account Number 82002495 up :  
to \$463,289 :

MOTION TO SEAL APPLICATION AND AFFIDAVIT FOR  
SEIZURE WARRANT

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves this Honorable Court for an Order sealing the Application and Affidavit for Seizure Warrant, and all attachments, regarding the above-referenced matter, and this Motion to Seal, and the Order to Seal, and in support thereof, shows unto the Court as follows:

1. A task force officer of the U. S. Treasury Department, Internal Revenue Service - Criminal Investigation made application for seizure warrant on July 28, 2014, regarding the above-referenced item.


2. The affidavit submitted in support of the seizure warrant contain substantial background information concerning an ongoing investigation being conducted by U. S. Treasury

Department, Internal Revenue Service - Criminal Investigation. Disclosure of the affidavit would alert potential targets of the existence, scope, and details of the investigation and, therefore, would pose a risk of flight or the destruction of additional evidence and may otherwise compromise the investigation. See Baltimore Sun Co. v. Goetz, 886 F.2d 60 (4th Cir. 1989).

WHEREFORE, the Government moves for an Order sealing the Application and Affidavit for Seizure Warrant, and this Motion to Seal, until further order by this Court, except that a certified copy of the same be provided to the Office of the United States Attorney and the U. S. Treasury Department, Internal Revenue Service - Criminal Investigation upon request.

Respectfully submitted, this 28th day of July, 2014.

THOMAS G. WALKER  
United States Attorney

  
JOSHUA B. ROYSTER  
Assistant United States Attorney  
Civil Division  
310 New Bern Avenue, Suite 800  
Raleigh, NC 27601-1461  
Telephone: (919) 856-4530  
Fax: (919) 856-4821  
NC State Bar No. 28785

ORIGINAL SEALED

AO 109 (Rev. 12/09) Warrant to Seize Property Subject to Forfeiture

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED  
JUL 29 2014

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, E.D.N.C.  
BY \_\_\_\_\_ DEPUTY CLERK

In the Matter of the Seizure of )  
(Briefly describe the property to be seized) )  
Funds in Lumbee Guaranty Bank account number )  
82002495 up to \$463,289 )

Case No. 7:14-MJ-

1120-13

WARRANT TO SEIZE PROPERTY SUBJECT TO FORFEITURE

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests that certain property located in the Eastern District of North Carolina be seized as being subject to forfeiture to the United States of America. The property is described as follows:  
Funds in Lumbee Guaranty Bank account number 82002495 up to \$463,289

I find that the affidavit(s) and any recorded testimony establish probable cause to seize the property.

YOU ARE COMMANDED to execute this warrant and seize the property on or before

8/14/2014  
(not to exceed 14 days)

☒ in the daytime – 6:00 a.m. to 10:00 p.m.

☐ at any time in the day or night, as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must also give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

An officer present during the execution of the warrant must prepare, as required by law, an inventory of any property seized and the officer executing the warrant must promptly return this warrant and a copy of the inventory to United States Magistrate Judge \_\_\_\_\_ any United States Magistrate Judge within the Eastern District of North Carolina (name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for \_\_\_\_\_ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued:

July 29, 2014  
12:33 p.m.

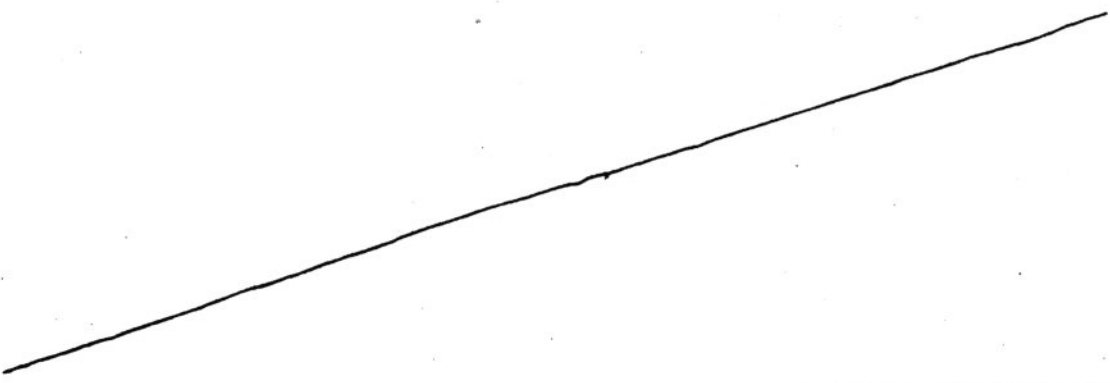
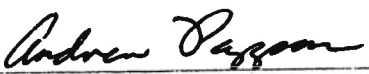
  
Judge's signature

City and state:

Wilmington, North Carolina

Robert B. Jones, Jr., United States Magistrate Judge  
Printed name and title

Copy to Agent

Return		
Case No.: 7:14-MJ- 1120-RJ	Date and time warrant executed: 7/30/14 9:10 a.m.	Copy of warrant and inventory left with: Crystal Collins
Inventory made in the presence of: Crystal Collins and Thersia Locklear, Lumbec Guaranty Bank		
Inventory of the property taken:  Lumbec Guaranty Bank Cashier's Check # 9870 payable to US Treasury Dept. for \$107,702.66, Remitter: L & M Convenient Mart, Lumber Guaranty Bank Account number 82002495		
		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <p>Date: <u>8/4/14</u></p> <p style="text-align: right;">             Executing officer's signature  <u>Andrew Pappas, IRS-CI TFO</u>            Printed name and title         </p>		